

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	
	)	Case No. 1:18-cr-106-9
v.	)	
	)	Judge Travis R. McDonough
GARY KING	)	
	)	Magistrate Judge Susan K. Lee
	)	

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**ORDER**

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United States Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Counts Three and Twenty-One of the twenty-two-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of the charge in Count Three of the Indictment, that is of conspiracy to distribute less than 50 kilograms of marihuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (3) adjudicate the Defendant guilty of the lesser included offense of the charge in Count Three of the Indictment, that is of conspiracy to distribute less than 50 kilograms of marihuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (4) defer a decision on whether to accept the second amended plea agreement until sentencing; and (5) order Defendant to remain released on bond under appropriate conditions of release until sentencing in this matter. (Doc. 101.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 101) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to Counts Three and Twenty-One of the twenty-two-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count Three of the Indictment, that is of conspiracy to distribute less than 50 kilograms of marihuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count Three of the Indictment, that is of conspiracy to distribute less than 50 kilograms of marihuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D);
4. A decision on whether to accept the second amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** on bond under appropriate conditions of release until sentencing in this matter which is scheduled to take place on **April 19, 2019 at 9:00 a.m. [EASTERN]**, before the undersigned.

**SO ORDERED.**

*/s/Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**